

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Roanoke Division

VICTOR J. PACE,	)	
Plaintiff,	)	Civil Action No. 7:21cv00648
	)	
v.	)	<u>MEMORANDUM OPINION &amp; ORDER</u>
	)	
JEFF DILLMAN, et al.,	)	By: Joel C. Hoppe
Defendants.	)	United States Magistrate Judge

Plaintiff Victor J. Pace, a Virginia inmate appearing pro se and proceeding in forma pauperis (“IFP”), filed this action under 42 U.S.C. § 1983 and the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 12131–12134. By conditional filing order entered December 30, 2021, the Court advised Pace that he must notify the Court in writing immediately upon his transfer or release and must provide the Court with his new address. *See* ECF No. 3. The Court further advised Pace that failure to provide an updated address would result in dismissal of this action. *Id.*

On October 20, 2023, Defendant filed a motion to revoke Pace’s IFP status and to dismiss the case (“Motion to Dismiss”). ECF No. 34. In the brief accompanying the Motion to Dismiss, the Attorney General’s Office notified the Court that Pace had been released from custody. ECF No. 35 at 1. Defendant’s certificate of service on the motion and brief identifies a last-known address for Pace and indicates that the motion and brief were mailed to him at that address. ECF Nos. 34, 35. On October 23, the Court mailed a Roseboro notice to Pace’s address of record. ECF No. 36. On November 9, that notice was returned to the Court as undeliverable and with no forwarding address, indicating that Pace is no longer incarcerated in the Virginia Department of Corrections. *See* ECF No. 37. To date, Pace has not responded to the Motion to Dismiss. Furthermore, Pace has not provided the Court with an updated address. Accordingly,

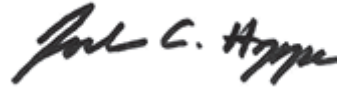
the Court will dismiss this action without prejudice for failure to comply with the Court's Order, ECF No. 3. The Court notes that this dismissal is without prejudice to Pace's opportunity to refile his claims in a separate civil action, subject to the applicable statute of limitations.

For the foregoing reasons, this action is **DISMISSED without prejudice**, the Defendant's Motion to Dismiss, ECF No. 34, is **DISMISSED** as moot, and this case is **STRICKEN** from the active docket of the Court.

It is so **ORDERED**.

The Clerk is directed to send copies of this Order to Defendant and to Plaintiff at his address of record and the address listed on the certificate of service of Defendant's Motion to Dismiss, ECF No. 34.

ENTER: November 17, 2023

A handwritten signature in black ink, appearing to read "Joel C. Hoppe".

Joel C. Hoppe  
U.S. Magistrate Judge